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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/626,881 07/27/00 PARULSKI

K 69449DPRC

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WM01/1025

EXAMINER

MOE, A

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/626,881

Applicant(s)

Parulski et al.

Examiner

Aung S. Moe

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 27, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-9 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-9 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

With respect to claims 1 and 6, the present claimed invention called for the limitations such that “**in response to a user actuating an image capture switch, automatically performing the steps of:** (i) using the image sensor to capture at least one still image; (ii) storing the at least one capture still image in the memory; (iii) dialing the stored telephone number to establish a connection between the transceiver of the telephone/camera unit or the digital camera and the selected receiver; and (iv) transmitting at least one stored image to the selected receiver.”

Furthermore, the Examiner noted that the Figs. 5 and 10 merely show that the phone number of the receiver has to be manually entered by the user to transmit the captured image and the page 7 of the specification further indicated that “the combined unit 48 may be preprogrammed so that the complete image capture and telephone dialing sequence is performed each time the image capture switch is activated.”

However, the Examiner could not locate in the instant specification for showing that based on the activation of the captured switch where the camera is “**automatically**” dialing the stored telephone number to establish a connection between the transceiver of the telephone/camera unit

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or the digital camera and the selected receiver to transmit the store image as recited in the present claimed invention, thus, further clarification is respectfully requested.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Dounies (U.S. 5,343,509).

Regarding claim 6, Dounies '509 discloses a method for transmitting digital images from a digital camera (36) to a selected receiver (i.e., Fig. 1, noted the receiver S), comprising the steps of: (a) providing a digital camera including: (i) an image sensor for capturing one or more images (i.e., Fig. 4B; col. 7, lines 50+); (ii) a memory for storing at least one captured image and at least one telephone number (Fig. 4B, the elements 37, 26, 27 and 21; col. 6, lines 26+ and col. 9, lines 15-20); and (iii) a transceiver for transmitting at least one stored image (i.e., noted that the telephone system contains a transceiver; see Figs. 4A-4B and col. 10, line 45); and

(b) in response to a user actuating an image capture switch, automatically performing the steps of (i.e., col. 8, lines 1+): (i) using the image sensor to capture at least one still image (i.e., see step 1.3 as disclosed in col. 8, lines 1+); (ii) storing the at least one captured still image in the

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memory (col. 8, lines 3+); (iii) dialing the stored telephone number to establish a connection between the transceiver of the digital camera and the selected receiver (col. 8, lines 16+); and (iv) transmitting at least one stored image to the selected receiver (col. 8, lines 16+ and col. 9, lines 20+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dounies '509 in view of Saito (U.S. 5,724,155).

Regarding claim 7, it is noted that although Dounies '509 shows the use of a display screen (2), Dounies '509 does not explicitly state that the display screen (2) is capable of displaying the stored captured image as recited in present claimed invention.

However, using the display screen (i.e., see the display elements of Fig. 4) for displaying the stored captured image (i.e., Fig. 17 and col. 9, lines 5+) is well-known in the art as evidenced by Saito '155. In particular, Saito '155 further suggested that by providing the display screen to displaying the stored captured image before the transmission to the remote location would allow the user to monitor the conditions of the stored image, and further permitting the user to mark/select the desired image to be transmitted to the remote receiver (see col. 9, lines 6+).

In view of this, having the system of Dounies '509 and then given the well-established teaching of Saito '155, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Dounies '509 by providing the display screen as taught by Saito '155, since Saito '155 suggested at col. 9, lines 10+ that such a modification would allow the user to monitor the conditions of the stored image and further permitting the user to mark/select the desired stored image to be transmitted to the remote receiver thereof.

Regarding claim 8-9, Dounies '509 does not explicitly show the step of compressing the image data prior to transmission with the use of JPEG compression.

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However, the above mentioned claimed limitations are well-known in the art as evidenced by Saito '155. In particular, Saito '155 clearly teaches the use of JPEG compression process for compressing the image data prior to transmission (Fig. 4, the element 10; col. 4, lines 65+), so that it allows the small size camera to capture and store large amounts of image data in a small storage medium thereof.

In view of this, having the system of Dounies '509 and then given the well-established teaching of Saito '155, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Dounies '509 by providing the JPEG compressing process as taught by Saito '155, since Saito '155 suggested at col. 2, lines 10+ that such a modification would allow the small size camera to capture and store large amounts of image data in a small storage medium thereof.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reelee et al. (U.S. 5,893,037) in view of Dounies '509.

Regarding claim 1, Reelee '037 discloses a method for transmitting digital images from a telephone/camera unit (Figs. 2 and 5-6) to a selected receiver, comprising the steps of:

(a) providing a hand held telephone/camera unit including: (i) an image sensor (i.e., the element 44; col. 3, lines 15+) for capturing one or more images; (ii) a memory for storing at least one captured image (i.e., noted the use of memory 52 as shown in Figs. 3 and 5); (iii) a telephone

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keypad (i.e., Figs. 4, the element 32); and (iv) a transceiver (the element 54) for transmitting at least one stored image;

(b) entering a telephone number of a selected receiver using the keypad (col. 5, lines 25+) and (c) in response to a user actuating an image capture switch (i.e., the element 22 contains an image capture switch), automatically performing the steps of: (i) using the image sensor (44) to capture at least one still image; (ii) storing the at least one capture still image in the memory (i.e., noted that the camera controller 50 is capable of automatically capturing and storing the image data when the capture command is entered by the user via the controller 22).

Furthermore, it is noted that although Reeley '037 shows the step of dialing the telephone number to establish a connection between of the telephone/camera unit (82) and a selected receiver for transmitting at least one stored image (col. 5, lines 25+), Reeley '037 does not explicitly show the use of a memory for storing the entered telephone number in the memory; and automatically performing the steps of dialing the stored telephone number to establish a connection between the transceiver of the telephone/camera unit and the selected receiver in response to a user actuating an image capture switch as recited present claimed invention.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Dounies '509. In particular, Dounies '509 teaches the use of a memory for storing at least one entered telephone number (Figs. 4B, the element 21); and automatically performing the steps of dialing the stored telephone number to establish a connection between the transceiver of the

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telephone/camera unit and the selected receiver in response to a user actuating an image capture switch (col. 8, lines 1+) as recited present claimed invention.

Therefore, having the system of Reeley '037 and then given the well-established teaching of Dounies '509, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Reeley '037 as taught by Dounies '509, since Dounies '509 states at col. 4, lines 14+ that such a modification would provide a fast, reliable, complete and virtually hands-free method for emergency data transmission together with the ability to quickly and easily update stored information as needed.

Regarding claim 2, Reeley '037 discloses wherein the telephone/camera unit further includes a display screen (20) for displaying the stored captured image.

Regarding claim 3, Reeley '037 discloses wherein the image capture switch is a key on the telephone keypad (Fig. 4, the element 22; col. 4, lines 59+).

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeley '037 in view of Dounies '509 as applied to claims discussed above, and further in view of Saito '155.

Regarding claims 4-5, the combination of Reeley '037 and Dounies '509 does not explicitly show the step of compressing the image data prior to transmission with the use of JPEG compression.

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However, the above mentioned claimed limitations are well-known in the art as evidenced by Saito '155. In particular, Saito '155 clearly teaches the use of JPEG compression process for compressing the image data prior to transmission (Fig. 4, the element 10; col. 4, lines 65+), so that it allows the small size camera to capture and store large amounts of image data in a small storage medium thereof.

In view of this, having the combination of Reeley '037 and Dounies '509 and then given the well-established teaching of Saito '155, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Reeley '037 by providing the JPEG compressing process as taught by Saito '155, since Saito '155 suggested at col. 2, lines 10+ that such a modification would allow the small size camera to capture and store large amounts of image data in a small storage medium thereof.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Parulski '159, Parulski '526 and Parulski 603 shows the same invention as the instant claimed invention.

b. Suzuki '999, Suzuki '708, Satoh '787, Kuba '072, Aosaki '198 and Hassan '646 show a portable image capturing system for transmitting the captured image data with the use of

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telephone system and further including an image sensor, a memory, a communication device and user's input device thereof.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is **(703) 306-3021**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the customer service number **(703) 306-0377**.

A. Moe

October 22, 2001


AUNG S. MOE
PATENT EXAMINER